



April 15, 2022

**Via ECF**

The Honorable Stewart D. Aaron  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Application GRANTED. The proposed two-week schedule extension is approved. The parties shall file another joint status report on June 3, 2022. SO ORDERED.

Dated: April 15, 2022

**Re: *In re ACTOS Antitrust Litig.* (1:13-cv-09244-RA-SDA)**



Dear Magistrate Judge Aaron:

We write on behalf of all parties to the above-captioned litigation in accordance with the Court's February 28, 2022 Order directing the parties to file a joint letter regarding the status of discovery, (ECF No. 358).

Since our last status letter, Plaintiffs filed a motion to compel which Your Honor granted in part and denied in part, (ECF No. 367). The Court directed the parties to reach agreement on a privilege log protocol or file their competing proposed protocols. The parties have not reached agreement and plan to submit their respective proposals, along with one-page cover letters, at 5pm this evening. In light of this dispute and due to the uncertainty concerning the protocol for privilege logs, Defendants request the Court enter the attached two-week schedule extension to allow for the preparation of logs once a protocol is entered; Plaintiffs do not oppose this request.

Also since our last status letter, the parties each believe they have substantially completed document production. The parties continue to have discussions regarding the sufficiency of Defendants' document production and their response to Plaintiffs' interrogatories. And additional third-party documents have been produced pursuant to Federal Rule of Civil Procedure 45.

Unless the Court desires otherwise, the parties propose to submit a further report on the status of discovery by June 3, 2022. We appreciate Your Honor's attention to this matter.

Sincerely,

/s/ Steve D. Shadowen

Steve D. Shadowen  
*Counsel for the Proposed End-Payor Class*

/s/ R. Brendan Fee

R. Brendan Fee  
*Counsel for Defendants*

/s/ Thomas M. Sobol

Thomas M. Sobol  
*Counsel for the Proposed Direct Purchaser Class*

cc: Counsel of record (via ECF)

**EXHIBIT 1***In re Actos Antitrust Litigation*, Nos. 13-9244, 15-3278 (S.D.N.Y.)

<b>Current Dates</b>	<b>Proposed Dates</b>	<b>Event</b>
April 22, 2022	April 22, 2022	Deadline for Defendants to elect as to an advice of counsel defense.
April 22, 2022	May 6, 2022	Deadline for Defendants' privilege logs for documents unrelated to advice of counsel defense and to identify persons whose documents were withheld and not logged because might be produced if privilege waived.
May 6, 2022	May 20, 2022	Deadline for producing documents related to such election. Deadline for revised privilege logs.
August 4, 2022	August 18, 2022	Deadline for any party to seek leave of court to amend pleadings or to add parties, claims or defenses.
November 3, 2022	November 17, 2022	Close of Fact Discovery.
December 2, 2022	December 16, 2022	Plaintiffs to serve motions for class certification and expert reports (class only).
January 12, 2023	January 26, 2023	Defendants' opposition(s) to Plaintiffs' motion for class certification, corresponding expert reports. Defendants file any <i>Daubert</i> motions as to plaintiffs' class experts.
February 9, 2023	February 23, 2023	Plaintiffs to serve reply briefs in support of class certification and corresponding expert rebuttal reports, limited to responding to arguments raised in Defendants' opposition and corresponding expert reports. Plaintiffs to serve <i>Daubert</i> motions as to defendants' class experts. Plaintiffs to serve oppositions to the defendants' <i>Daubert</i> motions as to plaintiffs' class experts.
February 23, 2023	March 9, 2023	Defendants serve any replies on <i>Daubert</i> motions to plaintiffs' class experts.
March 9, 2023	March 23, 2023	Defendants serve any opposition to plaintiffs' <i>Daubert</i> motions as to defendants' class experts.
March 16, 2023	March 30, 2023	Parties to serve merits expert reports on any issues on which they have the burden of proof.
March 23, 2023	April 6, 2023	Plaintiffs to serve any replies on plaintiffs' <i>Daubert</i> motions as to defendants' class experts.
May 4, 2023	May 18, 2023	Parties to serve responsive expert reports.
June 1, 2023	June 15, 2023	Parties to serve rebuttal merits expert reports. Rebuttal merits expert reports must be limited to responding to arguments raised in responsive expert reports.
July 14, 2023	July 28, 2023	Deadline to complete expert discovery.